

From Viacom's Brief:

“They celebrated the popularity of known infringing clips to investors.”

What it really says:

This refers to the YouTube presentation at right, which describes clips from major media on YouTube that were either uploaded by the creators for promotional purposes (e.g., “Uploaded by MTV,” “Uploaded by Atom Films”), or deliberately allowed by the creators to remain on the service (e.g., Lazy Sunday and CBS News). None of these clips was “infringing” any copyrights.

- NBC/SNL “Lazy Sunday” clip
- Received 5 million views in about a month

YouTube Incredible Results with Branded Video (cont)

- CBS News “Autistic E
- Received 1.2 million

- Fox “Live Action Sim
- Uploaded by Fox
- 1 million views in fi

- Nike Soccer “Ronald
- Uploaded by Nike
- Received 3 million

- MTV2 “Andy Milonakis Show” clip
- Uploaded by MTV
- Featured by YouTube on home page
- Received 90,000 views a day
- AtomFilms “Angry Kid” video
- Uploaded by AtomFilms
- Featured by YouTube on home page
- Received 50,000 views a day
- 4% click through rate (2,000 clicks/day) to AtomFilms.com

YouTube Confidential

From: Steve Chen <steve@schen.net>
Sent: Monday, April 25, 2005 7:57 AM
To: 'Chad Hurley' <chad@chadhurley.com>
Cc: 'Jawed' <jkl@jawed.com>
Subject: RE: give it a try (fwd)

I agree, we should get rid of some of his videos.

It's going to be really important that the first set of videos in there set an example of the videos we'd like to see on our site.

We need chicks videos!

-s

-----Original Message-----

From: Chad Hurley [mailto:chad@chadhurley.com]
Sent: Monday, April 25, 2005 8:48 AM
To: steve@schen.net
Cc: Jawed
Subject: Re: give it a try (fwd)

what are the sign up looking like?

and I think we should reject some new videos from BootieChrist... the kid signing is a rip off and the I'm not sure about the South Park one since its copyrighted material.

-chad

From Viacom's Brief:

“As early as April 2005, they emailed each other about users uploading ‘copyrighted material’ — such as Viacom’s ‘South Park’ show, which they repeatedly mentioned.”

What the email really says:

In these emails from YouTube's earliest days, Hurley recommends rejecting certain clips because they might violate copyright (including a South Park clip). Chen agrees, and notes that the first set of videos uploaded to YouTube should represent the type of content the founders wanted the site to be about.

From Viacom's Brief:

“ They deliberately and intentionally chose to leave up other infringing clips when they thought the additional site traffic was worth the legal risk. Chen explained: ‘That way, the perception is that we are concerned about this type of material and we’re actively monitoring it. [But the] actual removal of this content will be in varying degrees. That way . . . you can find truckloads of . . . copyrighted content . . . [if] you [are] actively searching for it.’ ”

From: Steve Chen <steve@youtube.com>
Sent: Wednesday, September 7, 2005 12:28 AM
To: Roelof Botha <Botha@sequoiacap.com>
Cc: Chad Hurley <chad@youtube.com>; Jawed <jkl@jawed.com>
Subject: Re: Racy content
Attach: Message Text.txt



Roelof:

On the dev environment, the first phase of solving this problem is implemented.

I think it's an accepted that in an environment such as YouTube, relying on user-generated content, copyrighted and inappropriate content will find its way onto the site. On the dev environment, we've implemented a flagging system so you can flag videos as being inappropriate or copyrighted. That way, the perception is that we are concerned about this type of material and we're actively monitoring it.

The actual removal of this content will be in varying degrees. We may want to keep some of the borderline content on the site but just remove it from the browse/search pages. That way, you can't find the content easily. Again, similar to Flickr, if you search for the right tags on Flickr, you can find truckloads of adult and copyrighted content. It's just that you can't stumble upon it, you have to be actively searching for it.

-S

What the email really says:

Viacom chops up this email beyond recognition. It is about solving the problem of inappropriate material on the service and trying to deter the uploading of unauthorized copyrighted material by creating an environment in which users would understand it was not welcome. Chen did not say that there were “truckloads” of inappropriate content on YouTube; he was clearly talking about what people could find on Flickr.

Further Discussions. Re your request that we expand our existing tools (capable of blocking digitally identical copies) to include tools that may be capable of identifying or blocking audibly similar but digitally dissimilar copies, we are continuing to evaluate those tools and are open to discussing your possible participation in these tests. I will leave it to our business teams to move forward with those discussions, and understand that our representatives will be in touch.

Best,
-- Kent

Kent Walker
VP & General Counsel
Google Inc.
1600 Amphitheatre Parkway
Mountain View, California 94043
650.253.7747

From Viacom's Brief:

“ Google's General Counsel, responding to Viacom and NBC Universal on February 16, 2007, rejected cooperation and refused to use fingerprint technologies for Viacom or NBCU in the absence of a license agreement. ”

What the email really says:

What Google's General Counsel, Kent Walker, actually says in this letter is that he is “open to discussing” Viacom's participation in our content management (i.e., fingerprint technology) tests.

To: "Chad Hurley" <chad@chadhurley.com>, "Steve Chen" <steve@schen.net>
From: "Jawed Karim" <jk@jawed.com>
Cc:
Bcc:
Received Date: 2005-02-11 09:19:20 GMT
Subject: aiming high

The following vary vastly in terms of financial success, but I want an innovation that, at least in the number of users and popularity, would firmly place us among a list like this:

ebay
paypal
bittorrent
napster
friendster
etrade
yahoo
google
winamp
kazaa
winzip
icq
jasc paintshop pro
match.com
wikipedia

I'm excluding livejournal, because despite its financial success and popularity, I think livejournal is ultimately an intellectually unsatisfying and pathetic project.

Jawed

From Viacom's Brief:

“ Thus, the founders consciously aimed to attract users by emulating notorious pirate services like 'napster,' 'kazaa,' and 'bittorrent.' ”

What the email really says:

This email lists 15 companies that Karim hoped YouTube would match in terms of “users and popularity,” including E-Trade, eBay, Google, Yahoo! and Wikipedia, as well as Napster, BitTorrent and Kazaa. The email has nothing to do with emulating the business models of the listed companies.

From Viacom's Brief:

“ One email noted that founder 'Jawed [was] putting stolen videos on the site.' ”

What the email really says:

Steve Chen tells Jawed Karim to “stop” (a word Viacom deletes and replaces in its version of the quote) posting so-called “stolen” videos on YouTube. The videos in question were viral videos related to aviation that Karim had found on the web and posted to YouTube. Chen wanted Karim to only upload personal videos representing what the site was all about. The exchange has nothing to do with supposed piracy of media content.

From: Steve Chen <steve@youtube.com>
Sent: Tuesday, July 19, 2005 9:49 AM
To: Chad Hurley <chad@youtube.com>
Cc: Karim Jawed <jk1@jawed.com>; Pan Yu <crazybuster@gmail.com>; Solomon Mike <m@culater.net>
Subject: Re: YouTube - Some ideas from Charles
Attach: Message Text.txt

Alright.

We keep talking about this.

Reasons for not putting up adwords:

1. it doesn't make that much money in the short term
2. our advertising feature is less than a month away
3. we are going to make design changes to get them in. 3 weeks later, we're going to take them out.
4. but most importantly -- people that use google ads really have no other choice, they get a lot of traffic, but they have to do some kind of text ad linking thing to generate revenue. we're in a unique situation with YouTube that we can deliver video ads -- we're one of the few and rare sites that allows for this. let's see where it goes before jumping on the google adwords bandwagon.

In other news, jawed, please stop putting stolen videos on the site. We're going to have a tough time defending the fact that we're not liable for the copyrighted material on the site because we didn't put it up when one of the co-founders is blatantly stealing content from another site and trying to get everyone to see it.

And please, please, please, please, please (I don't know how many times this needs to be said) stop making tweaks to the fucking UI without consulting us. Hi, nice distraction from the video playing when there's blinking text all over the place.

Thank you.

-s

